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ENGLISH

PROVISIONAL VERBATIM RECORD OF THE THREE THOUSAND AND ONE HUNDRED AND NINETEENTH MEETING

Held at Headquarters, New York,
on Tuesday, 6 October 1992, at 6.20 p.m.

President:	Mr. MERIMEE	(France)
Members:	Austria	Mr. HOHENFELLNER
	Belgium	Mr. NOTERDAEME
	Cape Verde	Mr. JESUS
	China	Mr. JIN Yongjian
	Ecuador	Mr. POSSO SERRANO
	Hungary	Mr. ERDOS
	India	Mr. SREENIVASAN
	Japan	Mr. HATANO
	Morocco	Mr. SNOUSSI
	Russian Federation	Mr. VORONTSOV
	United Kingdom of Great Britain and Northern Ireland	Sir David HANNAY
	United States of America	Mr. PERKINS
	Venezuela	Mr. ARRIA
	Zimbabwe	Mr. MUMBENGEGWI

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The meeting was called to order at 6.20 p.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

LETTER DATED 10 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/24401)

LETTER DATED 10 AUGUST 1992 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF TURKEY TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/24409)

LETTER DATED 10 AUGUST 1992 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/24410)

LETTER DATED 10 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF MALAYSIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/24412)

LETTER DATED 11 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF SENEGAL TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/24413)

LETTER DATED 11 AUGUST 1992 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMAMENT MISSION OF SAUDI ARABIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/24415)

LETTER DATED 10 AUGUST 1992 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/24416)

LETTER DATED 11 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF PAKISTAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/24419)

LETTER DATED 12 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF EGYPT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/24423)

LETTER DATED 13 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED ARAB EMIRATES TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/24431)

LETTER DATED 13 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF BAHRAIN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/24433)

LETTER DATED 13 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF THE COMOROS TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/24439)

LETTER DATED 13 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF QATAR TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/24440)

LETTER DATED 5 OCTOBER 1992 FROM THE REPRESENTATIVES OF EGYPT, THE ISLAMIC REPUBLIC OF IRAN, PAKISTAN, SAUDI ARABIA, SENEGAL AND TURKEY ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/24620)

The PRESIDENT (interpretation from French): I should like to inform the Council that I have received letters from the representatives of Bosnia and Herzegovina and Croatia in which they request to be invited to participate in the discussion of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Sacirbey (Bosnia and Herzegovina) and Mr. Nobilo (Croatia) took places at the Council table.

The PRESIDENT (interpretation from French): The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/24618, which contains the text of a draft resolution submitted by Belgium, France, Morocco, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and Venezuela.

I should like to inform the Council that Hungary has joined as a sponsor of the draft resolution.

(The President)

I should like to draw the attention of the Council to the following documents: S/24473, letter dated 17 August 1992 from the Permanent Representative of Bolivia to the United Nations addressed to the President of the Security Council; S/24478, S/24525 and S/24537, letters dated 24 August, 4 September and 5 September 1992, respectively, from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council; S/24489, letter dated 24 August 1992 from the Chargé d'Affaires ad interim of the Permanent Mission of Singapore to the United Nations addressed to the Secretary-General; S/24494, letter dated 26 August 1992 from the Chargé d'Affaires ad interim of the Permanent Mission of Malaysia to the United Nations addressed to the Secretary-General; S/24508, letter dated 31 August 1992 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General; S/24516, note by the Secretary-General transmitting the report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights; and S/24583, letter dated 22 September 1992 from the Deputy Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General.

Members of the Council also have before them photocopies of a letter dated 5 October 1992 from the representatives of Egypt, the Islamic Republic of Iran, Pakistan, Saudi Arabia, Senegal and Turkey addressed to the President of the Security Council. This letter will be published as a Security Council document under the symbol S/24620.

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution before it. If I hear no objection, I shall take it that that is the case.

(The President)

There being no objection, it is so decided.

Before putting the draft resolution to the vote, I shall call on those members of the Council who wish to make statements before the voting.

Mr. ARRIA (Venezuela) (interpretation from Spanish): I wish first to convey to you, Mr. President, my delegation's congratulations as you guide the work of the Council; we are sure you will do so with your known qualities and talents.

(spoke in English)

"The powerful do what they will, and the poor suffer what they must".

(spoke in Spanish)

That was the barbarous philsophy that, according to Thucydides, obtained during the Peloponnesian Wars and cost the lives of thousands of children, women and old people and the massacre of defenceless civilian populations.

History is being repeated today against the equally defenceless civilian population of the Republic of Bosnia and Herzegovina. Without question, the implementation of this criminal, uncivilized philosophy, which has been under way for nearly a year, constitutes genuine trampling underfoot of all the values that guide and inspire the United Nations. The Security Council is duty-bound to address this situation firmly and swiftly.

The decision to establish a commission of experts to investigate all such violations of international humanitarian law would be inspired by the commission that was set up in 1943 for similar purposes and later served as the basis for the proceedings of the Nuremberg tribunal. In our view, this would not only serve to establish responsibility and punish the guilty, but

(Mr. Arria, Venezuela)

would also, we believe - and most particularly - constitute an important deterrent in the context of the process the United Nations has undertaken to bring peace to the population of the former Yugoslavia, and especially to the suffering Republic of Bosnia and Herzegovina.

The Special Rapporteur of the Commission on Human Rights, Mr. Tadeusz Mazowiecki, former Prime Minister of Poland, in his eloquent and valuable report of 3 September 1992, noted the need to prosecute all those responsible for human rights violations. Not only should his recommendations be taken into account by this commission of experts, but Mr. Mazowiecki should be invited to be a member of that commission.

It is our understanding that the commission established by the draft resolution before us would collect the information that will make it possible to prosecute those who may be found to be responsible for the criminal or vandalistic acts that have been perpetrated against thousands upon thousands of citizens of the Republic of Bosnia and Herzegovina, and of crimes defined as war crimes by the 1907 Hague Convention respecting the Laws and Customs of War, the Geneva Conventions of 1949, the Nuremburg Charter of 1945, the Nuremburg Principles of 1950, the 1977 Additional Protocol I to the Geneva Conventions of 1949 and the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

All those instruments classify as war crimes those crimes committed against peace, including the initiation of acts of war, aggression and all other crimes against humanity, including those committed against civilian populations such as indiscriminate bombing, mistreatment of prisoners, mass

(Mr. Arria, Venezuela)

deportations, "ethnic cleansing" and so forth. It is precisely such crimes that justified the sentences of execution or long prison terms meted out to the criminals of the Second World War.

Nor must we forget that the United Nations Convention on the Prevention and Punishment of the Crime of Genocide clearly states that genocide means inflicting on a group of human beings conditions of life calculated to bring about its physical destruction in whole or in part. Article 54 of the 1977 Additional Protocol I to the Geneva Conventions also prohibits the destruction of infrastructures basic to life, such as electricity, drinking water, sewage and other basic public services. Such are the acts today being perpetrated in the Republic of Bosnia and Herzegovina.

History abounds in enemies of mankind - what the ancients called hostis humanis generis - ranging from slave traders to the criminals responsible for the Holocaust. The only crime that has not been committed in the case of Bosnia and Herzegovina is that which in another place and another time Bertrand Russell called the crime of silence. Here we find the opposite: through the mass media, the world has been witnessing the greatest and most terrible devastation - the systematic attempt to destroy the city of Sarajevo, the capital of the Republic of Bosnia and Herzegovina.

The draft resolution before us today is a specific reflection of the will and determination of the Security Council, as expressed in the preamble to the Charter of the United Nations, which begins,

> "We, the peoples of the [world], determined to save succeeding generations from the scourge of war ... and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small".

(Mr. Arria, Venezuela)

As a State party to the Fourth Geneva Convention of 1949, and as a contracting party to the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide, Venezuela supports all efforts contributing to stopping and punishing all those who commit crimes against human dignity, wherever they may occur. The lack of an international penal jurisdiction should not exempt these criminals from trial and punishment. We trust that the commission of experts that would be established under the draft resolution will begin its work urgently and will frame its mandate in an objective and impartial manner. That would be the first step in a process responding to the mass murders and to the practice of "ethnic cleansing" - a process that will assign personal responsibility to those found guilty of grave violations of international humanitarian law.

(Mr. Arria, Venezuela)

We know that war constitutes the greatest tragedy. That is why it becomes imperative to make all those who initiate or promote acts of war or conquest understand clearly that they shall be held accountable to the international community for their responsibility in crimes against humanity. This is how the delegation of Venezuela understands its obligation to the international community, which we in the Security Council represent.

The PRESIDENT (interpretation from French): I thank the representative of Venezuela for his kind words addressed to me.

I now put the draft resolution (S/24618) to the vote.

A vote was taken by show of hands.

In favour: Austria, Belgium, Cape Verde, China, Ecuador, France, Hungary, India, Japan, Morocco, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Zimbabwe

The PRESIDENT: There were 15 votes in favour. The draft resolution has therefore been adopted unanimously as resolution 780 (1992).

I shall now call on those members of the Council who wish to make statements following the vote.

Mr. PERKINS (United States of America): My delegation is pleased to have joined the other Council members in adopting this resolution. The resolution, first, sends a clear message that those responsible for the atrocities and gross violations of international humanitarian law, including violations involved in the process of "ethnic cleansing" and other war crimes in the former Yugoslavia, must be brought to justice. Second, the resolution will hopefully act as a deterrent to those in other parts of the world who may be contemplating similar violations and crimes.

(Mr. Perkins, United States)

If I may, I would like to amplify on our interpretation of operative paragraph 1 of the resolution. First, my delegation believes that the term "relevant United Nations bodies" includes the Special Rapporteur. Furthermore, we believe that the phrase "to provide other appropriate assistance to the Commission of Experts" in this paragraph allows the Commission to request follow-up by these other bodies, including the Special Rapporteur.

Mr. NOTERDAEME (Belgium) (interpretation from French): First of all, I should like to congratulate you very sincerely, Sir, on your election to the presidency of the Security Council, and to thank sincerely your predecessor for his good work during the month of September.

My delegation participated in the drafting of, and co-sponsored, the draft resolution our Council has just adopted. The position of Belgium was based on the intolerable nature of the grave, systematic breaches of the Geneva Conventions on the territory of the former Yugoslavia.

As if further proof were needed, let me refer to the recent statement by the President of the International Committee of the Red Cross, Mr. Sommaruga, who said that the most elementary principles of international humanitarian law continue to be disregarded on the territory of the former Yugoslavia, and that the consequences of this are incalculable.

In the wake of resolution 771 (1992), our Council has thus sent an even clearer signal to the perpetrators of these violations of humanitarian law. The establishment of a Commission makes this signal more credible by making more operational the principle contained in the Geneva Conventions regarding the personal responsibility of war criminals.

(Mr. Noterdaeme, Belgium)

It is the desire of the Belgian authorities that our Organization, upon receipt of the conclusions of this Commission and of the recommendations of the Secretary-General, should be able to provide itself with the means to punish the perpetrators who will have been so identified.

The PRESIDENT (interpretation from French): I thank the representative of Belgium for his kind words addressed to me.

Mr. ERDOS (Hungary) (interpretation from French): Hungary sincerely welcomes the unanimous adoption of resolution 780 (1992). In that respect, I should like to make three points.

Firstly, Hungary interprets the resolution we have just adopted as the beginning of a process which should lead us, within a reasonable period of time, to the logical conclusion of the enterprise represented by resolution 780 (1992), namely, the establisment of the appropriate means and the compilation of the necessary information to bring to justice those responsible for the crimes that continue to be committed systematically and on a daily basis in the former Yugoslavia. This genocide and blind barbarity cannot be left without suitable punishment by the international community.

Secondly, it is our understanding that the request addressed to States, relevant United Nations bodies, and relevant organizations to collate information represents an appeal to all bodies, organs and individuals concerned with the cause of human rights, with no exceptions, and of course including the Commission on Human Rights, to do so; the information should, most particularly, include the detailed and substantive report on the human rights situation in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights.

(Mr. Erdos, Hungary)

Thirdly, we expect the Commission of Experts provided for under the resolution to be set up as soon as possible.

Mr. SNOUSSI (Morocco) (interpretation from French): First of all, I should like to welcome the adoption of this resolution, to which we gave our total support. This action, in the view of all the members of the Organization of the Islamic Conference, should be considered as no more than one stage in a whole range of measures which the Council, unfortunately, will have to take in order to put an end to the terrible acts which are continuing to be perpetrated with impunity in Bosnia and Herzegovina.

Tomorrow, alas, we will have to think about other steps and other provisions if we want to arrest this frenzy that has been unleashed against a peaceful people which wanted only to live in freedom, a people that 200 years ago was free, sovereign and respected; at that time, it had diplomatic relations with my country.

It is now going through a veritable nightmare. The crimes being committed there are unpardonable; these are crimes against people and property, and against a culture and a civilization. Today, we have forged a vital link; but tomorrow, alas, we shall be forced to think about courts and so on if we continue to enounter the same blindness and obstinacy.

Mr. VORONTSOV (Russian Federation): The Russian delegation voted for resolution 780 (1992) that we have just adopted, viewing it as an additional means to influence the opposing parties with a view to alleviating the sufferings of the peaceful population on the territory of the former Yugoslavia, and in particular in Bosnia and Herzegovina, and by so doing to bring about the quickest possible solution of the Yugoslav conflict.

(Mr. Vorontsov, Russian Federation)

We hope that the impartial Commission of Experts provided for in the resolution will, on the basis of carefully substantiated information, give us the true picture of the violations of the Geneva Conventions and other violations of international humanitarian law taking place on the territory of the former Yugoslavia.

(Mr. Vorontsov, Russian Federation)

The resolution, which we have unanimously adopted as a follow-up to Security Council resolution 771 (1992), should, in our view, be a serious warning to any political and military leaders who allow mass breaches of the norms of international humanitarian law on the territory of the former Yugoslavia and warn them of their personal responsibility for such act.

The Russian delegation would particularly like to emphasize that the significance of the resolution goes beyond the framework of a settlement of the Yugoslav question and that it is also a warning to all who violate the norms of international humanitarian law in other spheres of conflict.

The PRESIDENT (interpretation from French): I shall now make a statement in my capacity as the representative of France.

Confronted with the horror that the crimes daily being reported inspire in us, crimes of impermissible violations of international humanitarian law being committed in the territory of the former Yugoslavia, and in Bosnia and Herzegovina in particular, I should like to emphasize how vital, in my view, this resolution is.

For indeed it is very important that the Security Council send a clear warning to the perpetrators of those violations, who must understand that their personal responsibility is involved. I would add that the resolution we have just adopted is a part of the prospective creation by the appropriate bodies of an international penal jurisdiction to rule on such acts.

My Government considers that it goes without saying that the Council's request in paragraph 1 of the resolution to "relevant United Nations bodies" includes the Special Rapporteur of the Commission on Human Rights on the former Yugoslavia. The contributions that the Special Rapporteur can make to

(The President)

the impartial Commission of Experts will be one of the essential elements in drawing up that Commission's conclusions.

I now resume my functions as President of the Council.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 6.45 p.m.